

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

REMARKS

In view of the above amendment and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. § 103**A. Claims 1, 4-5, 7-12, 14-16 and 18-19**

The Examiner has rejected claims 1, 4-5, 7-12, 14-16 and 18-19 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Farfan (U.S. Patent No. 5,946,378, issued on August 31, 1999, hereinafter referred to as "Farfan") in view of Sleevi (U.S. Patent No. 4,811,382, issued on March 7, 1989, hereinafter referred to as "Sleevi"). However, the Applicant directs the Examiner's attention to the fact that in the argumentative portion of the rejection, the Examiner cites passages from Gupta, (U.S. Patent No. 5,333,186, issued on July 26, 1994, hereinafter referred to as "Gupta"). Therefore, the Applicant assumes that the Examiner meant to reject claims 1, 4-5, 7-12, 14-16 and 18-19 over Farfan in view of Gupta. Applicant respectfully traverses the rejection under such assumption.

Farfan teaches an information on hold telephony service. Disclosed is an on-hold telephone service that allows a subscriber to the service to place a call on hold and make information services available to the party placed on hold. (See Farfan, Abstract, emphasis added.)

Gupta teaches a telecommunications call billing method and apparatus. Gupta teaches that if a regular call is not placed, then the call may be connected to a sponsored service call. (See Gupta, col. 4, ll. 49-57; Fig. 3.) Namely, a caller is presented first with third party sponsor interaction, e.g., a commercial message, before the caller is able to make a call. In doing so, the caller's call will be subsidized. The network keeps a record of the time caller spent interacting with sponsors. (See Gupta, col. 5, ll. 52-62.) Thus, the sponsor is billed for the charges associated with the connection between the caller and the sponsor. (See *Id.*) Additionally, the sponsor is

PATENT
Atty. Dkt. No. 101723 (ATT 113201)

billed for a predetermined portion of the charges for the caller usage of network-provided services. (See *Id.*, emphasis added.)

The Examiner's attention is directed to the fact that Farfan and Gupta, alone or in any permissible combination, fail to teach, show or suggest the novel concept of a method and system of time slicing a telecommunications call comprising, connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as positively claimed by Applicant's independent claim 1. Specifically, Applicant's independent claim 1 recites:

1. A method of time slicing a telecommunications call, comprising:
connecting a caller to a subscriber of a time slicing service; then:
determining if the subscriber is available to continue the call from the caller;
connecting the caller to an alternate device that provides alternate services when the subscriber is not available to continue the call;
terminating the alternate services and resuming communication between the caller to the subscriber when the subscriber is available to continue the call; and
determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. (Emphasis added.)

Independent claims 14, 15 and 16 contain similar limitations. In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. More specifically, Applicant's invention discloses a service where a subscriber, e.g., an 800 (toll free) subscriber, is able to share the cost of a toll free call. For example, if a customer calls an 800 number and is subsequently placed on hold, the 800 (toll free) subscriber will be charged for the entire call made by the customer. Unfortunately, since the 800 (toll free) subscriber is unable to field the call made by the customer, e.g., no service agent is currently available, the 800 (toll free) subscriber will incur a substantial phone charge while the customer is placed on hold. If there are

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

numerous customers placed on hold, the phone charges can quickly escalate. To address this criticality, Applicant's invention provides a subscriber with a time slicing service. This service tracks the time that a customer is presented with other third party services while on hold so that the subscriber is not charged for the entire call. Thus, Applicant's invention provides a service that splits or slices time between the subscriber and other third parties and, in turn, charges each of the parties accordingly based on the time the customer (the caller) spent with each party. Thus, since the caller is provided with alternate services while kept on hold, the portion of the call during which the alternate services are provided can be billed to another party. (See Applicant's specification, p. 1, ll. 25-27.)

In contrast, both Farfan and Gupta fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Farfan fails to teach, show or suggest the limitation of connecting a caller to a subscriber of a time slicing service. Farfan only teaches that when a called party wants to, the called party may place the calling party on hold for accessing information services, e.g., news, weather and stock market information. (See Farfan, Abstract) An important distinction is that Farfan does not provide a subscriber with a time slicing service. Farfan is not concerned with allocating the cost of the call to other third parties so that the subscriber is not burdened with the entire call. Instead, Farfan only teaches a method that allows a subscriber to place a caller on hold and allows the party placed on hold to access other services. There is no disclosure in Farfan that the providers of these other services will be attributed a portion of the cost of the call. As such, since Farfan does not provide this cost splitting function, there is no need to track the amount of time that is spent by the party placed on hold while interacting with other third parties. Therefore, Farfan clearly fails to teach, show or suggest connecting a caller to a subscriber of a time slicing service, as positively recited by Applicant's independent claims 1, 14, 15 and 16.

Furthermore, as conceded by the Examiner, Farfan also fails to teach, show or suggest the limitation of determining a portion of total call charges associated with the

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Again, this is consistent with Farfan's teaching. Since Farfan does not provide the cost splitting function, there is no need to track the amount of time that is spent by the party placed on hold while interacting with other third parties. However, the Examiner alleges that this limitation is taught by Gupta. The Applicant respectfully submits that Gupta fails to bridge the substantial gap left by Farfan.

To illustrate, Applicant's invention teaches determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, (i.e. tracking the time connecting a caller to a subscriber and tracking the time connecting the caller to one or more alternate third party devices.) Consequently, time splicing is required as taught by the Applicant's invention. In contrast, Gupta clearly teaches only a single connection at any time. For example, Gupta teaches that a decision is made whether the call is a regular call or a sponsored call. (See Gupta, col. 4, ll. 49-57; Fig. 3.) If the call is a sponsored call, after interaction with the sponsored call, the network gives the caller a sponsored-specified restricted access to the network-provided services. (See Gupta, col. 5, ll. 35-45.) Therefore, Gupta fails to teach determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided because the entire call between the sponsor and caller is charged to the sponsor. Moreover, any charges billed to the sponsor for the caller's restricted use of the network provided services are predetermined, therefore no time slicing is required to determine a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber. (See Gupta, col. 5, ll. 60-62, emphasis added.)

In fact, Farfan teaches away from Gupta. First Farfan teaches that the call is first connected between two parties and then the third party service is presented to a party on hold. In contrast, Gupta teaches that the sponsored activity must first be presented to the calling party in a first call and then a second call is made between the calling party and the called party. Second, Farfan teaches an on-hold event, whereas there is no on-hold event in Gupta.

PATENT
Atty. Dkt. No. 101723 (ATT 113201)

Therefore, the combination of Farfan and Gupta would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as positively claimed by the Applicant's independent claims 1, 14, 15 and 16.

Moreover, dependent claims 4-5, 7-12 and 18-19 depend from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 4-5, 7-12 and 18-19 are also patentable over Farfan and Gupta. As such, the Applicant respectfully requests the rejection be withdrawn.

B. Claim 2

The Examiner rejected claim 2 as being unpatentable over Farfan and Gupta in view of Andrews, et al. (U.S. Patent No. 5,271,058, issued on December 14, 1993, hereinafter referred to as "Andrews"). The Applicant respectfully traverses the rejection.

The teachings of Farfan and Gupta are discussed above. Andrews teaches a switchless automatic call distribution system used with a combination of networks. An automatic call distributing system for automatically distributing telephone calls placed over a network to one of a plurality of agent stations connected to the network via network service interfaces. (See Andrews, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Gupta and Andrews, alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as positively claimed by Applicant's independent claim 1. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

that is attributable to at least one entity other than the subscriber based on the alternate services provided. Thus, since the caller is provided alternate services while kept on hold, the portion of the call during which the alternate services are provided can be billed to another party. (See Applicant's specification, p. 1, II. 25-27.)

As discussed above, Farfan and Gupta fail to teach, show or suggest in one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Moreover, Andrews fails to bridge the substantial gap left by Farfan and Gupta. Andrews only teaches an automatic call distributing system for automatically distributing telephone calls placed over a network to one of a plurality of agent stations connected to the network via network service interfaces. (See Andrews, Abstract.) Even if Farfan, Gupta and Andrews were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Therefore, the combination of Farfan, Gupta and Andrews fail to render obvious Applicant's independent claim 1.

Moreover, dependent claim 2 depends from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claim 2 is also patentable and not obvious over Farfan, Gupta and Andrews. As such, the Applicant respectfully requests the rejection be withdrawn.

C. Claims 3, 6, 17 and 21

The Examiner rejected claims 3, 6, 17 and 21 as being unpatentable over Farfan and Gupta in view of Iida, et al. (U.S. Patent No. 5,440,541, issued on August 8, 1995, hereinafter referred to as "Iida"). The Applicant respectfully traverses the rejection.

The teachings of Farfan and Gupta are discussed above. Iida teaches a system and method for establishing communications between subscribers based on personal

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

number assigned to each subscriber. The invention aims at realizing a real-time call process by performing a timesaving operation in retrieving personal information in a personal communications system for establishing communications based on a unique personal number assigned to each subscriber. (See Iida, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Gupta, and Iida alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as positively claimed by Applicant's independent claims 1 and 16. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Thus, since the caller is provided alternate services while kept on hold, the portion of the call during which the alternate services are provided can be billed to another party. (See Applicant's specification, p. 1, II. 25-27.)

As discussed above, Farfan and Gupta fail to teach, show or suggest in one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Moreover, Iida fails to bridge the substantial gap left by Farfan and Gupta. Iida only teaches realizing a real-time call process by performing a timesaving operation in retrieving personal information in a personal communications system for establishing communications based on a unique personal number assigned to each subscriber. (See Iida, Abstract.) Even if Farfan, Gupta and Iida were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Therefore, the combination of Farfan, Gupta and Iida fail to render obvious Applicant's independent claims 1 and 16.

Moreover, dependent claims 3, 6, 17 and 21 depends from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 3, 6, 17 and 21 are also patentable and not obvious over Farfan, Gupta and Iida. As such, the Applicant respectfully requests the rejection be withdrawn.

D. Claims 13 and 20

The Examiner rejected claims 13 and 20 as being unpatentable over Farfan and Gupta in view of Gregorek, et al. (U.S. Patent No. 5,321,740, issued on June 14, 1994, hereinafter referred to as "Gregorek"). The Applicant respectfully traverses the rejection.

The teachings of Farfan and Gupta are discussed above. Gregorek teaches a telephone marketing system. The marketing system selectively modifies an existing telephone network by modifying a portion of the call processing software of the existing telephone network and by replacing at least a portion of an audible call progress signal generated by the telephone network by a prerecorded announcement. (See Gregorek, Abstract.)

The Examiner's attention is directed to the fact that Farfan, Gupta and Gregorek, alone or in any permissible combination, fail to teach or to suggest the novel concept of a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as positively claimed by Applicant's independent claims 1 and 16. (See *supra*.)

In one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

services provided. Thus, since the caller is provided alternate services while kept on hold, the portion of the call during which the alternate services are provided can be billed to another party. (See Applicant's specification, p. 1, ll. 25-27.)

As discussed above, Farfan and Gupta fail to teach, show or suggest in one embodiment, Applicant's invention is a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Moreover, Gregorek fails to bridge the substantial gap left by Farfan and Gupta. Gregorek only teaches a marketing system selectively modifies an existing telephone network by modifying a portion of the call processing software of the existing telephone network and by replacing at least a portion of an audible call progress signal generated by the telephone network by a prerecorded announcement. (See Gregorek, Abstract.) Even if Farfan, Gupta and Gregorek were permissibly combined, the combination would still fail to teach, show or suggest a method and system of time slicing a telecommunications call comprising connecting a caller to a subscriber of a time slicing service and determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided. Therefore, the combination of Farfan, Gupta and Gregorek fail to render obvious Applicant's independent claims 1 and 16.

Moreover, dependent claims 13 and 20 depends from independent claims 1 and 16, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 13 and 20 are also patentable and not obvious over Farfan, Gupta and Gregorek. As such, the Applicant respectfully requests the rejection be withdrawn.

Conclusion

Thus, the Applicant submits that all of these claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

PATENT

Atty. Dkt. No. 101723 (ATT 113201)

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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